

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

RBH ENERGY, LLC,	§	Case No.: _____
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
DR. RICHARD HA, DALLAS	§	
PLASTIC SURGERY CENTER	§	
INSTITUTE, P.A, AND	§	
EPICENTRE LEGACY, PLLC	§	JURY TRIAL DEMANDED
	§	
Defendants.	§	

**ORIGINAL COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiff RBH Energy, LLC (“RBH”), by counsel, alleges as follows for its Original Complaint for Copyright Infringement against Defendant Dr. Richard Ha, Defendant Dallas Plastic Surgery Center Institute, P.A., and Defendant Epicentre Legacy, PLLC, (collectively, “the Defendants”), and requests relief from this Court based on the following:

**THE PARTIES**

1. Plaintiff RBH is a Texas limited liability company with its principal place of business located at P.O. Box 1843, Colleyville, Texas 76034.
2. Defendant Dr. Richard Ha is a plastic surgeon practicing in Dallas, Texas who may be served at his principal place of business located at 9101 N. Central Expressway, Suite 600, Dallas, TX 75231.
3. Defendant Dallas Plastic Surgery Center Institute, P.A. is a Texas professional association with its principal of business located at 9101 N. Central Expressway, Suite 600, Dallas, TX 75231. It may be served through its registered agent for service of process, Fritz E. Barton, Jr., at 411 N. Washington Street, Suite 6000, Dallas, TX 75246.

4. Defendant Epicentre Legacy, PLLC is a Texas profession limited liability company with its principal place of business located at 9101 N. Central Expressway, Suite 600, Dallas, TX 75231. It may be served through its registered agent for service of process, ByrdAdatto, PLLC, at 8150 N. Central Expressway, Suite 930, Dallas, TX 75206.

### **JURISDICTION AND VENUE**

5. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*

6. This Court has jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(a).

### **BACKGROUND**

8. RBH realleges paragraphs 1 through 9 as if fully set forth herein.

9. RBH is the owner of U.S. Copyright No. VAu 1-111-482 ("Copyright") titled Brian Harness Photography Collection 2012 Vol. I. A true and correct copy of the copyright is attached hereto as Exhibit A.

10. The named artist of the Copyright is Randall Brian Harness ("Harness"). *See id.*

11. On October 23, 2015, Harness assigned the Copyright to RBH. A true and correct copy of the assignment is attached hereto as Exhibit B at ¶ 1.

12. Harness, a professional photographer, is the sole member of RBH.

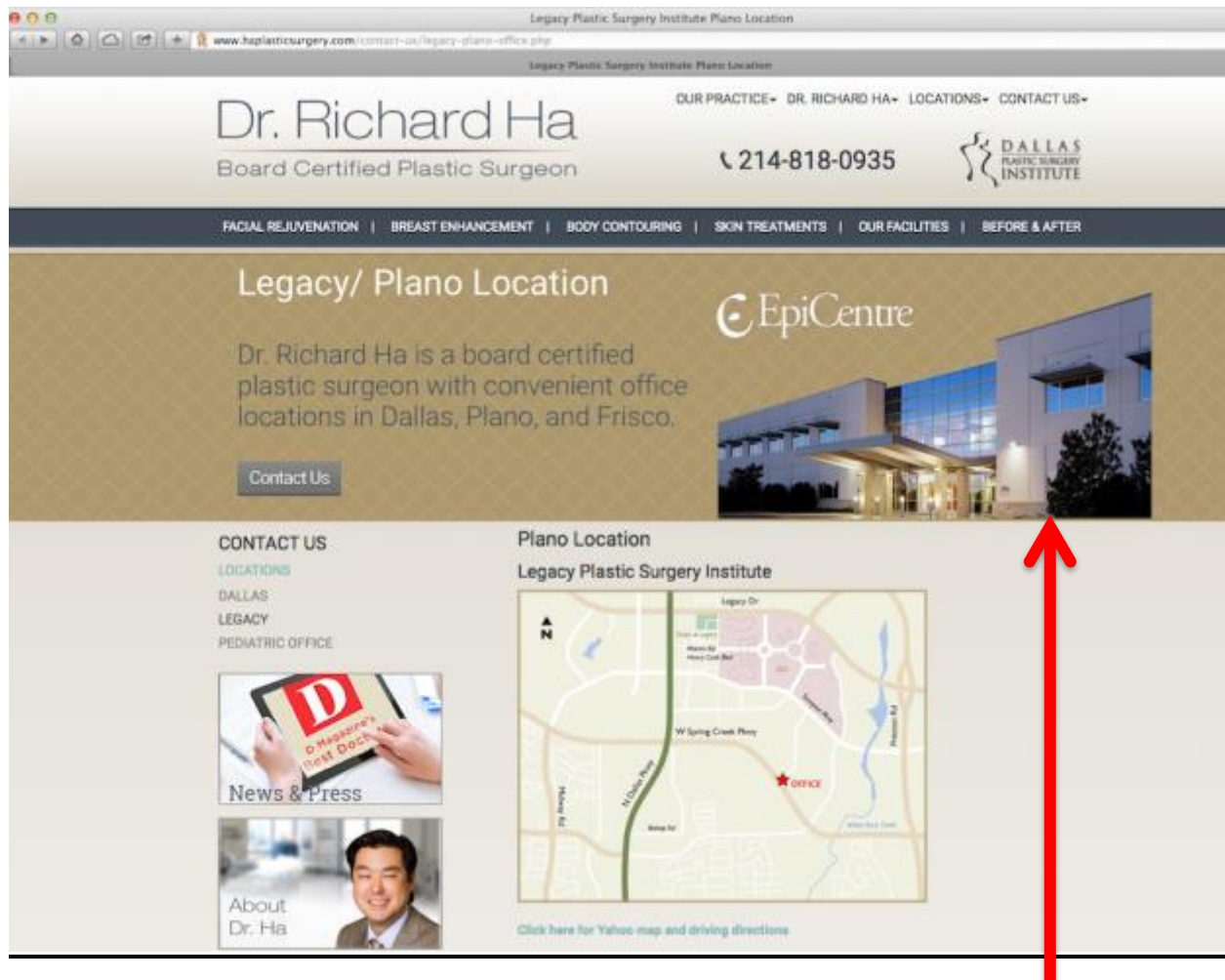
13. A copy of this photograph, which was filed as part of the Copyright, is depicted below, also known as legacy-medical-1665.jpg:



©Brian Harness 2012

14. In promotion of their business, Defendants, without permission from Harness or RBH, misappropriated this photograph and included the copyrighted photograph on their website: <http://haplasticsurgery.com/contact-us/legacy-plano-office.php>.

15. A true and correct copy of the screenshots of this web page is attached hereto as Exhibit C and depicted below:



16. The photograph, noted above, remained on this page until sometime after May 1, 2015.

17. Because Defendants had no permission to use the protected photograph, Defendants are liable for direct copyright infringement.

### **COUNT 1 – COPYRIGHT INFRINGEMENT**

18. RBH realleges paragraphs 1 through 17 as if set fully herein.

19. RBH alleges Defendants are liable for direct copyright infringement pursuant to 17 U.S.C. 501(a).

20. RBH has been damaged by Defendants' actions.

**DEMAND FOR JURY TRIAL**

Pursuant to FED. R. CIV. P. 38 and the 7th amendment of the U.S. Constitution, a trial by jury is hereby demanded.

**DEMAND FOR RELIEF**

WHEREFORE, Plaintiff RBH Energy, LLC demands that:

- a. Defendants be found jointly and severally liable for copyright infringement;
- b. Defendants be enjoined from reproducing, administering, displaying, or publishing RBH's copyrighted works;
- c. Defendants be ordered to pay statutory damages pursuant to 17 U.S.C. § 504;
- d. Defendants pay RBH's reasonable attorney's fees and costs of this action, pursuant to 17 U.S.C. § 505;
- e. Defendants pay pre-judgment and post-judgment interest on any damages awarded; and
- f. The Court award Plaintiff all other relief it deems justified.

Further, Plaintiff RBH Energy, LLC also reserves all of its rights to elect alternative remedies, including election of actual damages, as permitted by law.

Dated: January 11, 2017

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFF  
RBH ENERGY, LLC**